

IN THE
UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

FILED IN OPEN COURT
DATE 10/3/2012
BY J. Turner
DEPUTY CLERK

UNITED STATES OF AMERICA

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v.

Criminal Nos. 5:11CR00045

JOHN STUART DOWELL

HARRISONBURG DIVISION, W.D. of VA

STATEMENT OF FACTS

In late 2010 and early 2011, the defendant, JOHN STUART DOWELL, stayed at a residence in Frederick County, Virginia, where two young girls, who were then approximately three and five years old were living, among others. During this stay, Dowell sexually molested the three-year old girl on numerous occasions and videotaped several instances of this abuse. Dowell additionally made two films that focused on the five-year old girl's genitals.

Law enforcement officers first learned about some of these crimes when they obtained copies of some of the videos depicting the youngest girl in two ways. First, in August 2011, the Bureau of Immigration and Customs Enforcement (ICE) was informed by Interpol that Danish law enforcement had downloaded sexually explicit video clips depicting the girl and Dowell from the Internet. While Dowell's identity was then unknown, it appeared that he and the victim were both United States citizens (the clips contained audio and there were items in the clips that suggested

that they were filmed in the United States). ICE obtained a "John Doe" warrant and began on working to identify the adult male in the videos (Dowell). At approximately the same time, a relative of Dowell's who resided in Florida turned over a copy of at least some of the same or similar video clips to the Federal Bureau of Investigation (FBI) and identified Dowell, the minor victim, and the residence in Frederick County that is depicted in the video. The information provided by this relative led to Dowell's arrest in California on October 21, 2011, where he had then been residing. Prior to arresting the defendant, law enforcement officers observed him with a laptop on his lap and his pants down around his ankles. Investigators recovered several computers and a camera that belonged to him.

A Department of Justice computer forensic examiner from the High Tech Investigative Unit (HTIU) of the Child Exploitation and Obscenity Section examined the recovered digital evidence. The review revealed multiple videos produced by the defendant which depict the primary three year old victim engaging in sexually explicit conduct. Various videos show the defendant touching the girl's genital area, licking and kissing her genital area, and licking and kissing her buttocks and anus. The girl referred to the defendant's acts of licking her essentially as "drinking" her body parts. The defendant is seen in one video with his penis displayed and engaging in conversation with the girl about her

touching his penis and telling her she could "drink" his penis too. Dowell touches and stroke his penis during this video. Metadata from the videos establishes that the different counts set forth in the Superseding Indictment are based on separate acts of production.

The HTIU examination revealed two notable videos depicting a five-year old girl during which Dowell focused on the girl's genital area, as referenced above. One video shows the defendant focusing on this other girl's clothed (underpants) genitals. The second video shows him pulling down the girl's underpants to focus on her genital area.

Metadata indicated that the videos were produced using a Canon camera that was consistent with the Canon camera that was recovered from Dowell at the time of his arrest in California. The Canon camera was manufactured outside of Virginia. The metadata also provided information concerning the approximate dates and times when the various films were produced. These dates were consistent with the information received during the investigation concerning when the defendant temporarily resided in the Frederick County home where the films were produced.

Investigators visited the Frederick County residence and confirmed it was the same residence depicted in the video clips. They also obtained some articles of clothing from the residence that match what the younger victim was wearing in some of the

videos. They also met the minor victims. The minors' parents confirmed the time period Dowell stayed at the residence and explained the circumstances surrounding the sexual abuse (e.g. that Dowell had been left alone with the minors at times).

The forensic analysis also revealed programs that allow users to create and edit videos and also revealed a large number of other non-self produced child pornography images and videos. (The transportation of child pornography charge was essentially based on the transportation of the self-produced child pornography from the Western District of Virginia to California).

The video clips that were found on the Internet, which are a small subset of the depictions produced by the defendant are described in more detail below:

The video begins with white text on a blue screen. It reads:

"New Stuff 2011

Videos 001-007 Merged

(004 Missing)

This is the only stuff of this

Girl to be made"

The video begins with a the minor girl lying on a bed. She is lying on her stomach and is naked from the waist down. Dowell can be seen holding and moving the camera recording the video. Dowell begins licking the minor's anal area and kissing her buttocks while periodically moving the camera for filming from a different angle.

The minor then stands on the bed and turns around to expose her vaginal area.

The minor gets off of the bed and lies down on her stomach on the floor, still nude from the waist down. Dowell begins licking her anal area again. He then tells her to turn over and he begins intermittently licking her vaginal area and rubbing her vagina with his finger, as well as kissing her stomach and chest.

They move from the floor and Dowell moves the camera. The minor is now fully dressed.

Dowell is sitting down with his penis exposed. He suggests that the minor touch it and kiss it.

They then move to the floor again (Dowell carrying the camera) and the minor lies down on her stomach. Dowell pulls her pants and underwear down and begins licking her anal area and kissing her buttocks again.

The video then cuts to the same minor wearing a blue dress. She pulls down her underwear to her knees and lifts her dress to expose her vaginal area. Dowell takes her underwear off of one leg and spreads her legs. He positions the camera to film her vaginal area and begins intermittently licking her vaginal area, kissing her stomach and kissing her thigh.

The video cuts to the camera moving and filming the minor lying on her back with her legs spread to expose her genital area. She has the same blue dress on but it is pulled up to her chest.

Dowell again begins to intermittently lick her vaginal area and kiss her legs. He then directs her to put her legs up and begins licking her anal area and vaginal area.

Dowell then directs the girl to get up on her knees. She is then on her knees with her head lying on a pillow. He moves the camera to film her anal and vaginal areas from behind. He then begins kissing and licking her vaginal and anal areas. The video moves in a manner that indicates Dowell is holding or moving the camera the entire time.

The video cuts to the minor in a pink dress with pink underwear. Dowell maneuvers her so he can film her underwear. He lays her down and lifts her dress to expose her underwear. He then begins rubbing her vagina over her underwear. He then runs his hands over her underwear and up and down her torso and legs.

The video then cuts to the minor in pajamas. Dowell helps her remove her clothing. He then places the camera so it is filming from the floor. He maneuvers the minor so he can film her anal and vaginal areas from below while she is standing.

Other videos that were found during the forensic analysis show similar activity. On all videos, the defendant's face is clearly visible and there is no question that Dowell produced the films and was the man depicted engaging in sexual acts with the victims.


The forensic analysis revealed that the videos charged in each count of the indictment depict the conduct that is described in

these charges.

10-3-12
Date


JOHN STUART DOWELL
Defendant

10-3-12
Date


Darren Bostic, Esq.
Attorney for Defendant